

In the Matter of:

Board Case No. 2415

KURT STEINKE, D.O.

## FINDINGS OF FACT, AMENDED CONCLUSIONS OF LAW AND BOARD ORDER

Holder of License No. 1977 for the  
Practice of Osteopathic Medicine and  
Surgery in the State of Arizona.

This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board"), for Kurt Steinke's, D.O. (hereinafter "Respondent") request for rehearing on April 10, 1999, pursuant to A.A.C. R4-22-106. During the course of these proceedings, Kurt Steinke, D.O. (hereinafter "Respondent") was present and represented by legal counsel, Robert Bohm.

Based upon the legal arguments and documentary evidence considered by the Board, the Board issued Findings of Fact, Conclusions of Law and Board Order pursuant to A.A.C. R4-22-106(C)(7) as follows:

## FINDINGS OF FACT

1. Respondent is the holder of License No. 1977 authorizing him to engage in the practice of osteopathic medicine in the State of Arizona.
2. On March 10, 1998 the Board opened Complaint No. 2415 based upon receiving information, pursuant to A.R.S. § 32-1855, alleging that Respondent provided a patient false information regarding a positive urine drug screen.
3. On or about February 6, 1998, Respondent was examining the patient for complaints of a boil on his back. At that office visit, the patient complained that he had a positive drug screen that was furnished for the U.S. Postal Service. He had apparently tested positive for amphetamines and the patient adamantly denied any use of amphetamines. Respondent then wrote the patient a note on a prescription pad stating that he had given the patient a diet pill phenteramine. Respondent then altered the medical record to show that he had prescribed phenteramine on January 5, 1998. At the patient's request, Respondent provided another note stated that he had indeed given the patient phenteramine on January 5, 1998.
4. On April 22, 1998, In response to the complaint, Respondent provided a written statement admitting that he did provide fraudulent information regarding the prescription of phenteramine to the patient.

5. On October 3, 1998 Respondent appeared before the Board with legal counsel at the Informal Interview and testified that he had provided fraudulent information regarding the prescription of phenteramine to the patient. Respondent stated that this has never occurred before and would never occur again.

6. On October 7, 1998 the Board issued a Board Order containing Findings of Fact, Conclusions of Law, and ordering a Decree of Censure, Probationary Requirements and a civil penalty in the amount of \$2,500.

7. On October 30, 1998 a Motion for Rehearing or Review of Decision was filed and was granted. The Board reconsidered the Board Order at the Board's November 14, 1998 Meeting and amended the Order to reduce the civil penalty to \$1,500 and change the Conclusions of Law.

8. At the request of a Board member, the Board voted on January 22, 1999 to rehear the matter and vacate the prior Board Order.

9. The Board met on April 10, 1999 and held an Informal Interview. Respondent appeared before the Board with legal counsel and testified that he had provided fraudulent information regarding the prescription of phenteramine to the patient. Respondent stated that this has never occurred before and would never occur again.

#### CONCLUSIONS OF LAW

1. This matter is within the jurisdiction of the Arizona Board of Osteopathic Examiners in Medicine and Surgery pursuant to A.R.S. § 32-1801, et seq. and the regulations promulgated thereunder.

2. Respondent's action in the care of the complainant was unprofessional violating A.R.S. § 32-1854(6), practice which falls below the community standard; A.R.S. § 32-1854(15) Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine except as the same may be necessary for accepted therapeutic purposes; A.R.S. § 32-1854(19), any conduct or practice contrary to recognized standards of ethics of the osteopathic medical profession; A.R.S. § 32-1854(20), violating or attempting to violate, directly or indirectly, or assisting in or abetting the violations of or conspiring to violate any of the provisions of this chapter; and A.R.S. § 32-1854(37), violating a federal law, a state law or a rule applicable to the practice of medicine.

3. Respondent's acts in violating A.R.S. § 32-1854, which acts constitute unprofessional conduct, constitute grounds under which the Board may impose disciplinary action against Respondent pursuant to A.R.S. § 32-1855(E).

#### ORDER

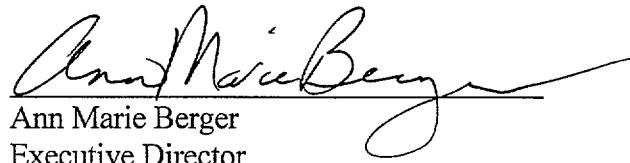
IT IS HEREBY ORDERED that the following disciplinary action be taken against Kurt Steinke, D.O. as follows:

1. Dr. Steinke is issued a **LETTER OF CONCERN**.
2. Dr. Steinke is placed on **PROBATION** for a period of eighteen (18) months and ordered to comply with the following terms and conditions:
  - (A) Commencing from the date of issuance of this Order, Dr. Steinke shall obtain thirty hours of continuing medical education in the areas of medical malpractice prevention, medical ethics and a medical review officer-training course. Prior to taking the continuing medical education courses, Respondent shall have the program approved by the Board's Medical Consultant or Executive Director. Respondent shall submit to the Board's Executive Director documentation confirming his attendance and completion of the education program; and, this requirement for continuing medical education shall be in addition to the minimum statutory requirement for renewal of Board license as specified at A.R.S. § 32-1825(B).
  - (B) Respondent shall pay all costs arising from the Board's investigation, informal interview hearings and continuing monitoring of the requirements of this Order and, payment of the costs shall be completed within twenty days of receipt of the amount issued by the Board.
3. Dr. Steinke is issued a **CIVIL PENALTY IN THE AMOUNT OF \$1,500** for violation of the Board's Statutes, pursuant to A.R.S. § 32-1855(E)(5). The \$1,500 Civil Penalty shall be paid to the Board within ten (10) days of receipt of this Order.
4. Failure to comply with the terms of this Order shall constitute an act of unprofessional conduct in accordance with A.R.S. §32-1854.26 "Violation of a formal order, probation or a stipulation issued by the board under this chapter."

ENTERED and effective this 12th day of April, 1998.

*g/ab*

ARIZONA BOARD OF OSTEOPATHIC  
EXAMINERS IN MEDICINE AND SURGERY

  
Ann Marie Berger  
Executive Director

Copy mailed by U.S. certified mail  
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day of April, 1999 to:

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